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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/552,228	10/06/2005	Jorg Peetz	DE 030108	6701
24737 7590 02/19/2008 PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			EXAMINER LIU, BEN H	
			ART UNIT 2616	PAPER NUMBER
			MAIL DATE 02/19/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/552,228

Applicant(s)

PEETZ ET AL.

Examiner

Ben H. Liu

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on October 6<sup>th</sup>, 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date June 1<sup>st</sup>, 2007.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Specification***

1. \ The disclosure is objected to because of the following informalities: the specification refers to the claims of the application. For example, page 2, lines 25-26 of the specification recite, "according to another exemplary embodiment of the present invention as set forth in claim 3." Similar problems are found through the specifications:

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 4 and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is not clear what is meant by the phrase "probe/probe signaling."

### ***Claim Rejections - 35 USC § 101***

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claim 11 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

For claim 11, the claim is directed to a computer program per se, which is non-statutory subject matter. The claim fails to mention a computer readable medium encoded with, stored with, or embodied with "computer executable instructions." Without these components the functionality of the claimed invention cannot be carried out.

*Claim Rejections - 35 USC § 102*

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims ~~1-11~~<sup>1-11</sup> are rejected under 35 U.S.C. 102~~(a)~~<sup>(e)</sup> as being anticipated by Ekl et al. (U.S. Patent 6,816,502).

For claims 1, 5, 9, and 11, Ekl et al. disclose a method of connecting a first subnet and a second subnet of a communication network by means of a bridge terminal, wherein the first subnet operates on a first frequency channel and the second subnet operates on a second frequency channel (*see column 2 lines 1-5, which recite an access point AP100 that communicates with at least two sets of users wherein the sets of users operate on different frequency channels*), the method comprising the steps of: switching an operation of the bridge terminal between an operation in the first subnet on the first frequency channel and an operation in the second subnet on the second frequency channel; wherein the bridge terminal is unavailable

for the first subnet when it is operated in the second subnet; wherein the bridge terminal is unavailable for the second subnet when it is operated in the first subnet (*see figure 2, which recite the access point communicating exclusively with one set of users before communicating exclusively with another set of users*); signaling the unavailability of the bridge terminal by means of a power saving signal of the communication network (*see column 4 lines 1-18, which recite a timer that signals when the access point will become unavailable, at which time the access point enters a sleep mode*).

For claims 2, 6, and 10, Ekl et al. disclose a method of connecting a first subnet and a second subnet of a communication network by means of a bridge terminal, wherein the communication network is a packet transmission network in accordance with the IEEE 802.11 standard (*see column 1 lines 11-17*).

For claims 3 and 7, Ekl et al. disclose a method of connecting a first subnet and a second subnet of a communication network by means of a bridge terminal, wherein the operation of the bridge terminal is switches periodically between the first and second subnets such that the bridge terminal is operated in each of the first and second subnets for a predetermined duration (*see abstract*); and wherein jitters in the predetermined duration are compensated over a plurality of switching cycles by controlling the switching (*see column 2 lines 5-15, which recite modifying the communication times based on the usage of the system*).

### ***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

10. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

11. Claims 4 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ekl et al. (U.S. Patent 6,816,502) in view of admitted prior art.

For claims 4 and 8, Ekl et al. disclose a method of connecting a first subnet and a second subnet of a communication network by means of a bridge terminal. Ekl et al. does not disclose

the method wherein a content of missed beacon signals is reported by the bridge terminal by means of a probe/probe signaling. However, the admitted prior art discloses a probe-P/response mechanism provided by the IEEE 802.11 standard in the case of a missed beacon (*see page 12 lines 2-4*). Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to use the method of connecting a first subnet and a second subnet of a communication network by means of a bridge terminal as taught by Ekl et al. with the probe-P/response mechanism as provided by the IEEE 802.11 standard. The probe-P/response mechanism can be implemented by ensuring that the method for connecting a first subnet and a second subnet of a communication network by means of a bridge terminal follows the IEEE 802.11 standard. The motivation for using the IEEE 802.11 standard and provided probe-P/response mechanism with the method of connecting a first subnet and a second subnet of a communication network by means of a bridge terminal is to ensure that the method is compatible with a wide range of wireless devices.

### ***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. (*see form PTO-892*).

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ben H. Liu whose telephone number is (571) 270-3118. The examiner can normally be reached on 9:00AM to 6:30PM.

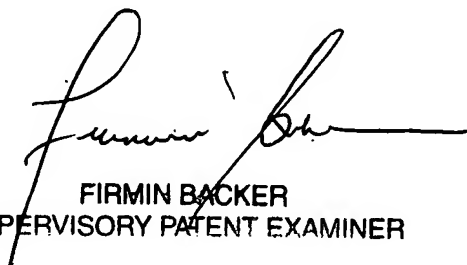
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Firmin Backer can be reached on (571) 272-6703. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BL



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SUPERVISORY PATENT EXAMINER